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6 IN THE DISTRICT COURT OF GUAM  
7 FOR THE TERRITORY OF GUAM  
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9 UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 97-00074  
10 )  
11 Plaintiff, )  
12 vs. ) **REPORT & RECOMMENDATION**  
13 FRANCIS A. AGUON, ) **CONCERNING VIOLATIONS OF**  
14 Defendant. ) **SUPERVISED RELEASE CONDITIONS**  
 ) **IN A FELONY CASE**

15 On January 18, 2007, the United States Probation Office filed a Petition and supporting  
16 declaration alleging that the Defendant violated his conditions of supervised release. See  
17 Docket No. 53. According to the Petition and declaration, the Defendant:

- 18 1. repeatedly tested positive for the use of controlled substances (“ice” and  
19 marijuana);  
20 2. failed to appear for drug counseling (two sessions);  
21 3. failed to appear for urinalysis testing (10 occasions); and  
22 4. failed to submit his monthly supervision reports (October and November 2006).

23 Additionally, on January 25, 2007, the probation officer filed a Supplemental  
24 Declaration alleging further violations. See Docket No. 56.

25 On February 13, 2007, the Defendant appeared with counsel before the Court. The  
26 Defendant knowingly and voluntarily waived his right to an evidentiary hearing and admitted to  
27 the violations alleged in the Petition filed on January 18, 2007. The Defendant did not answer  
28 to the allegations contained in the Supplemental Declaration filed January 25, 2007. The

1 Government, the Defendant, and the probation officer agreed that the appropriate sanction for  
2 these violations was to revoke the Defendant's term of supervised release and sentence him to  
3 an eleven-month term of imprisonment.

4 Based on the Defendant's admissions, I therefore find probable cause to believe that the  
5 Defendant violated his conditions of supervised release. Accordingly, I hereby recommend that  
6 the District Judge revoke the Defendant's term of supervised release and impose the sentence  
7 agreed upon by the parties. This matter shall be scheduled for a disposition hearing before the  
8 District Judge on Thursday, March 15, 2007, at 9:00 a.m., unless otherwise re-scheduled by the  
9 District Judge.

10 DATED this 13<sup>th</sup> day of February 2007.



14 /s/ Joaquin V.E. Manibusan, Jr.  
15 U.S. Magistrate Judge

17 **NOTICE**

18 **Failure to file written objections to this Report within ten (10) days from the**  
19 **date of its service shall bar an aggrieved party from attacking such Report**  
20 **before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).**